

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Adoption of a Resolution Supporting Actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to Consider Reasonable Science-Based Amendments to the Designated Uses and Classification System of Surface Water Bodies while Protecting the Quality of Florida's Waters.

DEPARTMENT: Public Works

DIVISION: Roads-Stormwater

AUTHORIZED BY: Gary Johnson

CONTACT: Kim Ornberg

EXT: 2417

MOTION/RECOMMENDATION:

Adopt a Resolution supporting actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to consider reasonable science-based amendments to the designated uses and classification system of surface water bodies while protecting the quality of Florida's waters.

County-wide

Kim Ornberg

BACKGROUND:

The purpose of this resolution is to support the Florida Stormwater Association's (FSA) petition to request Florida Department of Environmental Protection (FDEP) and the Environmental Regulation Commission (ERC) initiate rulemaking to amend the current surface water classification and use system, to better reflect the vast variability found within Statewide surface waters; and to support these FDEP rulemaking activities, which are science-based and will not lead to degradation of surface waterbodies.

This rulemaking and subsequent implementation will allow the County to request the re-evaluation and reclassification of urban stormwater ditches (i.e., Lockhart-Smith Canal, Cranes Strand Canal, Lightwood-Knot Canal, Solary Canal, etc.) that are currently held to the same water quality standards as the Wekiva and Econlockhatchee Rivers. Many of these urban stormwater ditches have been identified as "impaired" using the current water quality standards for all Class III waters (recreational use waters). These man-made urban ditches will never meet these standards, regardless of the amount of money spent by the County to "restore" them. Instead, the County should be able to focus its limited resources on the real recreational waterbodies that need to be protected and restored.

The objective of the rulemaking is to re-assess the very limited and antiquated surface water classification system and to provide a more realistic system that would incorporate these other types of waterbodies/stormwater facilities. Even within the category of urban ditches, a wide variability of systems is found. Some may be concrete-lined ditches which only hold water during and shortly after storm events, while others may actually support wildlife habitats and even somewhat diverse ecosystems. The FDEP is working to develop different sub-classes/matrices that would allow appropriate designations for all of these variances. The ultimate discharge for these conveyance systems is still the natural receiving waterbodies, for which the County will still be held accountable to maintain or improve their integrity and

diversity. The anticipated revisions will allow the County the flexibility to find the most appropriate and cost effective method to meet the TMDL requirements.

The results of the rulemaking will provide for more realistic and achievable water quality goals for our natural resources and tax dollars will not be misdirected trying to achieve these same goals on stormwater conveyance systems.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt the Resolution Supporting Actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to Consider Reasonable Science-Based Amendments to the Designated Uses and Classification System of Surface Water Bodies while Protecting the Quality of Florida's Waters.

ATTACHMENTS:

1. Resolution - Water Pollution Control

Additionally Reviewed By:

☒ County Attorney Review (Matthew Minter)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA SUPPORTING ACTIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE ENVIRONMENTAL REGULATION COMMISSION TO CONSIDER REASONABLE, SCIENCE-BASED AMENDMENTS TO THE DESIGNATED USES AND CLASSIFICATION SYSTEM OF SURFACE WATER BODIES WHILE PROTECTING THE QUALITY OF FLORIDA'S WATERS.

WHEREAS, the Florida Legislature has granted the Florida Department of Environmental Protection (FDEP) the power and duty to develop a comprehensive program for the prevention, abatement and control of the pollution of the waters of the State; and

WHEREAS, Seminole County shares the goal of preserving water quality with FDEP, the United States Environmental Protection Agency (EPA) and all stakeholders; and

WHEREAS, waters that are overloaded with one or more pollutants are listed as "Impaired" following EPA requirements and Florida law; and

WHEREAS, FDEP and EPA have developed a program to limit pollutant discharges to Impaired Waters to that amount a water body could receive without exceeding water quality standards, known as the Total Maximum Daily Loads (TMDL) program; and

WHEREAS, developing these TMDL pollution limits has proven to be a very complicated, time consuming and expensive process; and

WHEREAS, the TMDL development process has been hampered by litigation that has resulted in court ordered schedules that did not sufficiently consider the complexities involved in the TMDL program; and

WHEREAS, many of the resulting TMDL limits proposed have been criticized as requiring unreasonable and unnecessary limits resulting in costs which are unproductive in terms of improving water quality, thereby reducing available resources for more effective water quality improvement initiatives; and

WHEREAS, neither the Congress of the United States nor the Legislature of the State of Florida have appropriated funds to local governments in amounts sufficient to ensure compliance with the requirements of the TMDL program; and

WHEREAS, there are many competing needs for every local community's financial resources such that due diligence must be used to ensure that the limited funding that is available is effectively applied; and

WHEREAS, failure to use such due diligence actually works against the goal of preserving water quality by wasting limited financial resources; and

WHEREAS, both EPA, FDEP and the National Science Foundation have all recognized the need for refining the system for classifying various waters by their functional use; and

WHEREAS, Florida's sytem of classification of waterbodies has not been re-examined on a comprehensive scientific basis for more than 40 years; and

WHEREAS, the existing classification system forces local governments or other funding entities to allocate scarce financial resources in an attempt to bring many water bodies (such as urban stormwater ditches) into compliance with water quality standards where

there will be little or no potential benefit to the natural environment or human uses at the expense of funding for waters where the possibility of real improvements exists; and

WHEREAS, FDEP previously convened an advisory committee of experts known as the Designated Uses and Classification Refinement Policy Advisory Committee (PAC) to study and make recommendations for amending the designated uses and classifications of water bodies; and

WHEREAS, the PAC developed several reports which included a new science-based system of uses and classifications for water bodies but did not recommend any revisions to existing waters on a Statewide basis; and

WHEREAS, a petition has been filed by the Florida Stormwater Association requesting that FDEP and the Environmental Regulation Commission initiate rulemaking on the classification and use system based on the recommendations of the PAC,

NOW, THEREFORE, BE IT RESOLVED:

1. Seminole County supports the consideration by FDEP and the ERC of reasonable, science-based revisions to Florida's waterbody use and classification system that are considered in an open, public process.

2. The Commission authorizes the County to send a copy of this Resolution to the Governor of Florida, Speaker of the Florida House of Representatives, President of the Florida Senate, The Secretary of FDEP, and the Administrator of the U.S. Environmental Protection Agency.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon its adoption.

ADOPTED this _____ day of _____, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
BOB DALLARI, Chairman

Date: _____

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